

AN ACT in relation to domestic violence.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Section 5. The Illinois Domestic Violence Act of 1986 is  
amended by changing Section 202 as follows:

(750 ILCS 60/202) (from Ch. 40, par. 2312-2)

Sec. 202. Commencement of action; filing fees;  
dismissal.

(a) How to commence action. Actions for orders of  
protection are commenced:

(1) Independently: By filing a petition for an  
order of protection in any civil court, unless specific  
courts are designated by local rule or order.

(2) In conjunction with another civil proceeding:  
By filing a petition for an order of protection under the  
same case number as another civil proceeding involving  
the parties, including but not limited to: (i) any  
proceeding under the Illinois Marriage and Dissolution of  
Marriage Act, Illinois Parentage Act of 1984, Nonsupport  
of Spouse and Children Act, Revised Uniform Reciprocal  
Enforcement of Support Act or an action for nonsupport  
brought under Article 10 of the Illinois Public Aid Code,  
provided that a petitioner and the respondent are a party  
to or the subject of that proceeding or (ii) a  
guardianship proceeding under the Probate Act of 1975, or  
a proceeding for involuntary commitment under the Mental  
Health and Developmental Disabilities Code, or any  
proceeding, other than a delinquency petition, under the  
Juvenile Court Act of 1987, provided that a petitioner or  
the respondent is a party to or the subject of such  
proceeding.

(3) In conjunction with a delinquency petition or a criminal prosecution: By filing a petition for an order of protection, under the same case number as the delinquency petition or criminal prosecution, to be granted during pre-trial release of a defendant, with any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987 or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant; provided that:

(i) the violation is alleged in an information, complaint, indictment or delinquency petition on file, and the alleged offender and victim are family or household members or persons protected by this Act; and

(ii) the petition, which is filed by the State's Attorney, names a victim of the alleged crime as a petitioner.

(b) Filing, certification, and service fees. No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or certifying orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(c) Dismissal and consolidation. Withdrawal or dismissal of any petition for an order of protection prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for an order of protection shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. An independent action may be consolidated with another civil proceeding, as provided by paragraph (2) of

subsection (a) of this Section. For any action commenced under paragraph (2) or (3) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for the order of protection; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division. Dismissal of any conjoined case shall not affect the validity of any previously issued order of protection, and thereafter subsections (b)(1) and (b)(2) of Section 220 shall be inapplicable to such order.

(d) Pro se petitions. The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the state's attorney.

(Source: P.A. 90-590, eff. 1-1-99.)